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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,852	10/30/2003	Martin Weiss	20073	2851
23470	7590	05/09/2006	EXAMINER	
SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			LUONG, VINH	
			ART UNIT	PAPER NUMBER
			3682	
DATE MAILED: 05/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,852	Applicant(s) WEISS, MARTIN	
	Examiner Vinh T. Luong	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5-14, 20 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 19 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

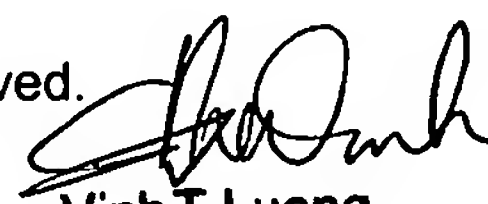
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> . |

1. The Amendment filed on May 3, 2006 has been entered.
2. Claims 1-3, 5-14, 20, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 2, 2005.
3. This application contains claims 1-3, 5-14, 20, and 24 drawn to a species nonelected with traverse in Paper filed on November 2, 2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.
4. The drawings were received on May 3, 2006. These drawings are accepted by the Examiner.
5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 15-18, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US Patent No. 5,946,978).

Regarding claim 15, Yamashita teaches a control cable adjustment device for adjusting a control cable 14b extending between a control mechanism 16 (Fig. 1) and an operating mechanism 18, the adjustment device comprising:

an adjuster 50 (Fig. 6) rotatably connected to a housing 40 of the control mechanism 16 such that the adjuster 50 is axially movable relative to the housing 40 in response to rotation of the adjuster 50; and

a detent mechanism including a detent contour 62 (*id.* col. 5, line 56 through col.

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6, line 24) extending along a radial interior surface (Figs. 4-7) of the adjuster 50 and a spring element 42 having at least one retention segment 93 and a support segment 95, the retention segment 93 of the spring element 42 engaging the detent contour 62, the support segment 95 of the spring element 42 supported by the housing 40.

Regarding claim 16, the detent contour 62 has a non-round cross section (since the contour 62 is a longitudinally extending slot) and is configured such that the retention segment 93 has freedom to deflect, the retention segment 93 is configured to extend substantially parallel with the control cable 14b extending through the adjuster 50. See Fig. 3.

Regarding claim 17, the detent contour 62 includes varying surfaces 60 (Fig. 7, see Attachment) configured to engage the retention segment 93 such that rotation of the adjuster 50 in a first direction requires a higher rotational force than rotation of the adjuster in a second direction. *Ibid.*, col. 6, lines 24-64.

Regarding claim 18, the detent contour 62 has flutes 52 extending in an axial direction of the adjuster 50.

Regarding claim 21, the retention segment 93 and the support segment 95 of the spring element 42 are loaded primarily flexurally.

Regarding claim 22, the adjuster 50 has a continuous periphery and a thread 52 for matingly engaging the housing 40, the detent contour 62 extends coaxially with the adjuster thread 52.

7. Claims 19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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8. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

9. Applicant's arguments filed May 3, 2006 have been fully considered but they are not persuasive.

The previous objections to the drawings and disclosure, and the rejection under 35 USC § 112, second paragraph, have been withdrawn in view of Applicant's replacement drawings and amendments.

With respect to the art rejection, Applicant contended:

Yamashita discloses an indexing spring 42 having a nose portion 95 that is deflected or biased radially outwardly from one of the channels 80 or 82 in the adjusting member 40 and then rides along the exterior surface or threads 78 of the adjusting member 40, see specification at col. 6, lines 53-57. Claim 15 has been amended to recite a detent mechanism that includes a detent contour extending along a radial interior surface of the adjuster and a spring element having at least one retention segment and a support segment, the retention segment of the spring element engaging the detent contour from within the adjuster. Accordingly, Yamashita fails to disclose a detent contour that extends along a radial interior surface of the adjuster and a spring element that engages the detent contour from within the adjuster.

The Examiner respectfully submits:

As noted in MPEP 2111, during patent examination, *claims are given their broadest reasonable interpretation consistent with the specification*. It is proper to use the specification to interpret what the applicant meant by a word or phrase recited in the claim. However, *it is not proper to read limitations appearing in the specification into the claim when these limitations are not recited in the claim*. See *In re Paulsen*, 30 F.3d 1475, 1480, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994); and *Intervet America Inc. v. Kee-Vet Lab. Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989). (Emphasis added).

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It is well settled that anticipation law requires distinction be made between invention described or taught and invention claimed. It does not require that the reference “teach” what subject patent application teaches, it is only necessary that the claim under attack, as construed by the Court, “*read on*” something disclosed in the reference, *i.e.*, all limitations of the claim are found in reference, or are “*fully met*” by it. *Kalman v. Kimberly Clark Corp.*, 218 USPQ 781, 789 (CAFC 1983).

In the instant case, Yamashita teaches the element 50 that has a detent contour 62 wherein the retention segment 93 of the spring 92 engages the contour 62 *from within* the element 50. Therefore, Yamashita’s element 50 “reads on” Applicant’s claimed adjuster.

For the foregoing reasons, Applicant’s request to allow the instant application is respectfully denied.

10. Applicant's arguments with respect to claims 15-18, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

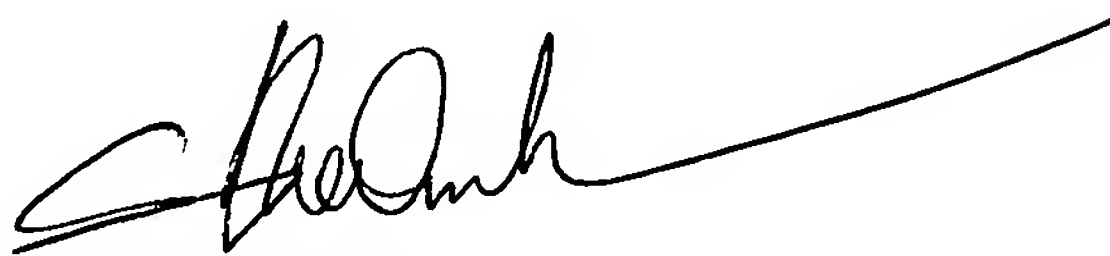
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

May 8, 2006



Vinh T. Luong
Primary Examiner

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ATTACHMENT

